



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: KURODA, M.

APPLICATION No.: 10/539,992

I.A FILING DATE: DECEMBER 9, 2003

FOR: PLANT WITH REDUCED PROTEIN CONTENT IN
SEED, METHOD OF CONSTRUCTING THE SAME
AND METHOD OF USING THE SAME

EXAMINER: TO BE ASSIGNED

ART UNIT: 1638

CONF. No: 8318

**Supplemental Information Disclosure Statement Within Three Months of
Application Filing or Before First Action – 37 C.F.R. § 1.97(b)**

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A. Timing of Submission

This information disclosure is being filed within three months of the filing date of this application or date of entry into the National Stage of an International Application or before the mailing date of a first Office Action on the merits or before the mailing date of a first Office Action on the merits after the filing of a Request for Continued Examination under 37 CFR §1.114, whichever occurs last (37 CFR 1.97(b)(4)). The references listed on the enclosed Form PTO-1449 (modified) may be material to the examination of this application; the Examiner is requested to make them of record in the application.

B. Cited Information

☒ Copies of references 1-7 are enclosed.

C. Effect of Information Disclosure Statement (37 C.F.R. § 1.97(h))

This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by

third parties are accurate or enabling; or (iv) the cited information is, or is considered to be, material to patentability. In addition, applicant does not admit that any enclosed item of information constitutes prior art to the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.

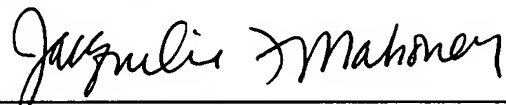
D. Fee Payment

No fees are believed due because this Information Disclosure Statement is being filed before the mailing date of the first Office Action. However, should the Commissioner determine that fees are due in order for this Information Disclosure Statement to be considered, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-2207.

E. Patent Term Adjustment (37 C.F.R. § 1.704(d))

- ☒ The undersigned states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this statement. 37 C.F.R. § 1.704(d).

Respectfully submitted,
Perkins Coie LLP



Jacqueline F. Mahoney
Registration No.48,390

Date: April 12, 2005

Correspondence Address:

Customer No. 22918
Perkins Coie LLP
P.O. Box 2168
Menlo Park, California 94026
(650) 838-4300



**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
Form PTO-1449 (Modified)
(Use several sheets if necessary)

COMPLETE IF KNOWN

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|---------------------------|------------------|
| Application Number | 10/539,992 |
| Confirmation Number | 8318 |
| International Filing Date | December 9, 2003 |
| First Named Inventor | Kuroda, Masaharu |
| Group Art Unit | 1638 |
| Examiner Name | To be Assigned |
| Attorney Docket No. | 59150-8035 |

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|-------|---|----|---|
| Sheet | 1 | of | 1 |
|-------|---|----|---|

U.S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. | U.S. Patent or Application | | Name of Patentee or Inventor of Cited Document | Date of Publication or Filing Date of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|-----------------------|-------------|----------------------------|-------------------------|---|--|---|
| | | NUMBER | Kind Code (if known) | | | |
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FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. | Foreign Patent or Application | | | Name of Patentee or Applicant of Cited Document | Date of Publication or Filing Date of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | Translation |
|-----------------------|-------------|-------------------------------|-------------|-------------------------------|--|---|--|---------------------|
| | | Office | NUMBER | Kind Code (if known) | | | | |
| | 1. | EP | 1 210 869 | A1 | Sapporo Breweries Ltd. | 6/5/02 | | |
| | 2. | PCT | WO03/078629 | A1 | BASF Plant Science GMBH | 9/25/03 | | English Abstract |

OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No. | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published. | T |
|-----------------------|-------------|---|---|
| | 3. | Mitsukawa <i>et al.</i> , <i>Plant Biotechnology</i> , 16(2):103-113 (1999). | |
| | 4. | Database EMBL "Oryza sativa mRNA for prolamin, complete cds, clone:lambda RM9" retrieved from EBI Accession No. AB016505 (1999). | |
| | 5. | Database EMBL "Oryza sativa mRNA for prolamin, complete cds, strain:lambda RM1" retrieved from EBI Accession No. AB016503 (1999). | |
| | 6. | Huang, <i>et al.</i> , <i>Plant Biology</i> , 2002: page 106, Abstract #410, Annual Meeting of the American Society of Plant Biologists (2002). | |
| | 7. | Tada <i>et al.</i> , <i>Breeding Science</i> , 53:61-67 (2003). | |
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EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application(s).